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98TH CONGRESS  
2D SESSION

# H. R. 5598

To amend the Foreign Service Act of 1980 to provide essential benefits to certain former spouses not eligible for any benefits under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1984

Mrs. SCHROEDER (for herself and Mr. MICA) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs and Post Office and Civil Service

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## A BILL

To amend the Foreign Service Act of 1980 to provide essential benefits to certain former spouses not eligible for any benefits under that Act, and for other purposes.

- 1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That (a) chapter I of title II of the Foreign Service Act of  
4       1980 is amended by adding at the end thereof the following  
5       new section:  
6       “SEC. 2110. BENEFITS FOR CERTAIN OTHER FORMER  
7       SPOUSES.—(a) Any individual who was a former spouse of a

1 participant or former participant in the Foreign Service Re-  
2 tirement and Disability System on February 15, 1981, and  
3 for whom no election is made (whether before, on, or after  
4 the date of the enactment of this section) by such participant  
5 or former participant under section 2109 of this Act, is enti-  
6 tled to an annuity, payable from the Fund, equal to the  
7 amount of the annuity then currently payable to an individual  
8 under section 523(c) of the Foreign Relations Authorization  
9 Act, Fiscal Year 1977 (90 Stat. 847).

10 “(b) A former spouse shall not be qualified for an annu-  
11 ity under this section if, before such annuity commences, such  
12 former spouse remarries before becoming 60 years of age.

13 “(c)(1) An annuity payable to a former spouse under this  
14 section—

15 “(A) shall commence—

16 “(i) in the case of a former spouse of a par-  
17 ticipant or former participant who is deceased or  
18 who has retired under the Foreign Service Retire-  
19 ment and Disability System as of the date of the  
20 enactment of this section, beginning on the 120th  
21 day after such date; and

22 “(ii) in the case of any other former spouse,  
23 beginning on the later of—

1                   “(I) the date that such participant or  
2                   former participant dies or so retires, which-  
3                   ever occurs first; or

4                   “(II) the 120th day after the date of the  
5                   enactment of this section; and

6                   “(B) shall terminate on the last day of the month  
7                   before the former spouse’s death or remarriage before  
8                   attaining age 60.

9                   “(2) If a former spouse is not entitled to an annuity  
10                  under this section because of remarriage, or if an annuity  
11                  under this section is terminated because of remarriage, such  
12                  annuity shall commence or be restored (as the case may be)  
13                  commencing on the date such remarriage is terminated.

14                  “(3) A former spouse to whom a lump-sum payment has  
15                  been paid under section 815 of this Act shall not be entitled  
16                  to an annuity under this section unless the former spouse  
17                  returns such payment to the Fund.

18                  “(4) An annuity under this subsection—

19                         “(A) shall not be payable unless appropriate writ-  
20                         ten application is provided to the Secretary of State,  
21                         complete with any supporting documentation which the  
22                         Secretary may by regulation require; and

23                         “(B) shall not be payable with respect to any  
24                         period commencing before such application is so  
25                         provided.

1       “(d) The Secretary of State shall—

2               “(1) as soon as possible, but not later than 120  
3       days after the date of the enactment of this section,  
4       prescribe such regulations as may be necessary to  
5       carry out this section; and

6               “(2) to the maximum extent practicable, and as  
7       soon as possible, inform each individual who was a  
8       former spouse on February 15, 1981, of any rights  
9       which such individual may have under this section.

10       “(e) For purposes of this section, the terms ‘Fund’, ‘par-  
11       ticipant’, and ‘former spouse’, each has the meaning given  
12       such term under sections 802, 803, and 804 of this Act,  
13       respectively.”.

14       (b) The table of contents for the Foreign Service Act of  
15       1980 is amended by adding after the item relating to section  
16       2109 the following new item:

          “Sec. 2110. Benefits for certain other former spouses.”.

17       SEC. 2. (a) Section 904 of the Foreign Service Act of  
18       1980 (22 U.S.C. 4084) is amended in the second sentence of  
19       subsection (d) by striking out “may be waived” and inserting  
20       in lieu thereof “shall be waived”.

21       (b) Such section is further amended—

22               (1) by redesignating subsection (f) as subsection  
23       (g); and

24               (2) by inserting after subsection (e) the following  
25       new subsection (f):

1       “(f)(1)(A) Except as provided in paragraph (3)(A), any  
2 individual—

3           “(i) married to a member or former member of the  
4 Service, whose marriage is dissolved by divorce or  
5 annulment;

6           “(ii) who, immediately before the divorce or an-  
7 nulment becomes final, is covered under a health bene-  
8 fits plan as a member of the family of such member or  
9 former member; and

10          “(iii) who, after the divorce or annulment becomes  
11 final, qualifies under section 804(6) of this Act as a  
12 former spouse of such member or former member,  
13 is eligible for coverage under a health benefits plan in accord-  
14 ance with the provisions of this subsection.

15       “(B) An individual described in subparagraph (A) (here-  
16 inafter in this subsection referred to as a ‘former spouse’)  
17 may enroll in the plan referred to in clause (ii) of such sub-  
18 paragraph (for self alone or for self and family, as the individ-  
19 ual may under this subparagraph elect) if, before the expira-  
20 tion of the 31-day period beginning on the date the divorce or  
21 annulment becomes final, and in accordance with such proce-  
22 dures as the Director of the Office of Personnel Management  
23 shall by regulation prescribe, the former spouse—

24           “(i) files an election for such enrollment; and

1           “(ii) arranges to pay currently into the Employees  
2       Health Benefits Fund (under section 8909 of title 5,  
3       United States Code) an amount equal to the sum of the  
4       employee and agency contributions payable in the case  
5       of an employee enrolled under such chapter in the  
6       same health benefits plan and level of benefits.

7       “(C) The Director of the Office of Personnel Manage-  
8       ment shall, by regulation, establish procedures designed to  
9       provide timely notice to all members and former members of  
10      the Service enrolled in a health benefits plan of the right of  
11      election under this paragraph.

12      “(D) The Director may waive the 31-day limitation set  
13      forth in subparagraph (B) in any case in which the Director  
14      determines that the circumstances so warrant.

15      “(2)(A) Except as provided in paragraph (3)(A), any in-  
16      dividual who becomes a former spouse on or before the date  
17      of enactment of this subsection may enroll in a health benefits  
18      plan for self alone or for self and family if, before the expira-  
19      tion of the 6-month period beginning on such date of enact-  
20      ment, and in accordance with such procedures as the Direc-  
21      tor of the Office of Personnel Management shall by regulation  
22      prescribe, such individual—

23           “(i) files an election for such enrollment; and

24           “(ii) arranges to make payments as described in  
25      paragraph (1)(B)(ii).

1       “(B) The Secretary of State shall, as soon as possible,  
2 take all steps practicable—

3               “(i) to determine the identity and current address  
4 of each former spouse to whom subparagraph (A) ap-  
5 plies; and

6               “(ii) to notify each such former spouse of that in-  
7 dividual’s rights under this subsection, which notifica-  
8 tion shall be by mail, notice in newspapers of general  
9 circulation, or such other method or combination of  
10 methods as the Secretary of State considers appro-  
11 priate.

12       “(C) The Director, upon notification by the Secretary,  
13 shall waive the 6-month limitation set forth in such subpara-  
14 graph in any case in which the Secretary determines that the  
15 circumstances so warrant.

16       “(3)(A) Any former spouse who remarries before age 60  
17 is not eligible to make an election under paragraph (1) or (2).

18       “(B) Any former spouse enrolled in a health benefits  
19 plan pursuant to an election under paragraph (1) or (2) may  
20 continue the enrollment under the conditions of eligibility  
21 which the Director of the Office of Personnel Management  
22 shall by regulation prescribe, except that any former spouse  
23 who remarries before age 60 shall not be eligible for contin-  
24 ued enrollment under this subsection after the end of the 31-  
25 day period beginning on the date of remarriage.

1       “(4) Nothing in this subsection allows any individual to  
2 be covered under more than one enrollment under chapter 89  
3 of title 5, United States Code.

4       “(5) For purposes of this subsection—

5           “(A) the term ‘member of the Service’ does not  
6 include an individual described in paragraph (6) or (7)  
7 of section 103 of this Act; and

8           “(B) the term ‘health benefits plan’ means an ap-  
9 proved health benefits plan under chapter 89 of title 5,  
10 United States Code.”.

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